

FILED

AUG 29 2012

U.S. MAGISTRATE JUDGE
DISTRICT OF NEVADA

BY _____ DEPUTY

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT LOUIS RUENZEL II,

Defendants.

3:12-MJ-085-WGC

COMPLAINT FOR VIOLATION OF:

TITLE 21, UNITED STATES CODE,
SECTION 844(a) - Possession of a Controlled
Substance (Methamphetamine)

THE UNITED STATES ATTORNEY CHARGES THAT:

On or about August 28, 2012, in the District of Nevada, ROBERT LOUIS RUENZEL II, defendant herein, did knowingly and intentionally possess a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 844(a).

DANIEL G. BOGDEN
United States Attorney

MICHAEL W. LARGE
Assistant United States Attorney

AFFIDAVIT

I, Sean Hyrons, an Officer with the United States Bureau of Land Management (BLM), being duly sworn under penalty of perjury, state that:

I. BACKGROUND OF THE AFFIANT

1. I am a Special Agent with the Bureau of Land Management (BLM) of the United States Department of the Interior, and have been so employed since January 15, 2012. I am stationed in Reno, Nevada, and am assigned to investigate felony, misdemeanor, civil and administrative cases that affect public lands managed by the Bureau of Land Management in Nevada.
2. I have a total of fourteen (14) years of law enforcement experience; approximately three (3) years have been with the BLM Office of Law Enforcement and Security. Prior to employment with the BLM, I was employed by the United States Forest Service as a Law Enforcement Officer and as a Police Officer with the Orlando Police Department. I graduated from the Federal Law Enforcement Training Center's Criminal Investigation Training Program in 2012, the Natural Resource Training Program in 2002 and Valencia Community College's Police Training Program in 1999. I also graduated from the University of Central Florida with a Bachelor of Arts in Public Administration with an emphasis in Criminal Justice.
3. During the course of my career, I have been assigned to numerous positions in a law enforcement capacity including but not limited to the following: Criminal Investigator, Patrol Officer, Law Enforcement Supervisor, Field Training Officer, K-9 Officer, District Adjudication Officer, Detention Enforcement Officer and as such have performed long term investigations; including investigations relating to the sale, purchase, distribution and cultivation of marijuana and other controlled substances. In performance of my duties, I have performed surveillance, executed search warrants, planned and executed eradication operations, interviewed witnesses and suspects, seized controlled substances and other evidence, and made arrests for offenses related to the possession and manufacture of controlled substances.
4. During my law enforcement career, I have received several thousand hours of law enforcement training in areas including but not limited to the following: drug investigation techniques, evidence gathering, constitutional law, crime scene processing, search and seizure, identification and usage of controlled substances and interviewing techniques.

5. Because this affidavit is submitted in support of the issuance of an arrest warrant, it does not contain every fact that may be known to law enforcement officers in this case. Furthermore, the information attested to herein has been provided to me by my fellow law enforcement officers working at the Burning Man event on lands managed by United States Bureau of Land Management. I have reviewed or have been told to me directly by other members of the investigative team, which includes federal law enforcement officers with whom I have worked on this investigation. As this affidavit is submitted for a limited purpose, it does not contain all aspects of this investigation, but only sufficient information to establish probable cause in support of an arrest warrant.

II. FACTS ESTABLISHING PROBABLE CAUSE

6. On 08/28/2012, at approximately 1300 hours, United States Forest Service Law Enforcement Officer (LEO) Paul Zohovetz observed a Tan colored Pace Arrow Recreational Vehicle pass his location on Lilac Rd, in Black Rock City at the Burning Man Event, on Public Lands administered by the Bureau of Land Management, with license plates fully obstructed by bicycles hanging on a bike rack, which is in violation of 43 CFR 8341.1(d). LEO Zohovetz stopped the RV with red and blue lights and siren.
7. LEO Zohovetz contacted the driver of the RV and asked for her driver's license, insurance and registration. While talking with driver, she was acting nervous and making twitchy movements, based on LEO Zohovetz's training and experience, he believed her behavior was similar to someone under the influence of methamphetamines. LEO Zohovetz then advised the driver that he would be conducting a free air sniff around her vehicle and asked if she or any of the occupants on board were in possession of any narcotics. The driver and the other occupants including Robert Louis RUENZEL II all stated "NO". LEO Zohovetz then conducted a free air sniff of the exterior of the vehicle with USFS Police Service Dog (K9) "Jacky". K9 Jacky is currently California POST Certified as a Narcotics Detection K9 and US Forest Service Certified as a Narcotics Detection K9. K9 Jacky is certified in the detection of Marijuana (THC), Methamphetamines, Cocaine and Heroin.
8. LEO Zohovetz began the free air sniff of the vehicle with K9 Jacky. K9 Jacky alerted the presence of controlled substances on numerous locations on the vehicle. Based on the alerts by K9 Jacky, LEO Zohovetz informed the driver that he had probable cause that there were controlled substances in the vehicle and asked the passengers to exit the vehicle.
9. Law Enforcement Ranger Michael Carpenter who was assisting LEO Zohovetz with the traffic stop began a search in the rear portion of the vehicle. During the search, Ranger Carpenter located a black North face bag in a storage compartment next to a bed. Ranger Carpenter opened the bag and found a black container with two more containers inside it. Inside the container was an unused glass pipe and a

plastic bag containing mushrooms. Ranger Carpenter then found a locked bank bag in several items inside it. Ranger Carpenter did not see a key for the bag so he cut the side of the bag open. Inside the bank bag, Ranger Carpenter observed a plastic bag with a crystal like substance in it and a plastic container with crystal like substance in it and multiple pills. Ranger Carpenter also located another small bag in the backpack with a digital scale and multiple unused plastic bags.

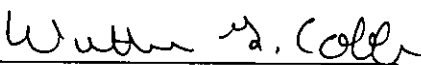
10. Law Enforcement Ranger John Mauer was also assisting with the search of the vehicle. Ranger Carpenter then requested that Ranger Mauer take the backpack outside to see if anyone admitted to owning the backpack. RUENZEL admitted to owning the backpack and the contents within the backpack. Ranger Mauer then returned the backpack to Ranger Carpenter who placed the bag securely in his vehicle. The backpack was later searched a second time back at the Incident Command Post. Three plastic containers containing a clear liquid substance was discovered inside the backpack. The liquid substance in all three containers (approximately 83.7 grams) tested positive for "GHB" (Gamma-Hydroxybutyrate) via a NIK Identification system. A glass bottle resembling a whiskey or wine bottle was also discovered inside the backpack. The glass bottle was also filled with a clear liquid substance. The liquid substance inside the glass bottle tested positive for "GHB" (Gamma-Hydroxybutyrate) via a NIK Identification system. The crystal like substance discovered in the plastic bottle and plastic bag (approximately 30.3 grams) both tested positive for methamphetamines via a NIK Identification system. Numerous other controlled substances were also discovered inside the bag.
11. RUENZEL was then asked if he would be willing to speak with BLM law enforcement back at the Incident Command Post. RUENZEL consented and was transported back to the BLM Incident Command Post where an interview was conducted with Special Agents (SA) Thomas Sharkey and SA Kynan Barrios. RUENZEL voluntarily consented to the interview. In response to questioning, RUENZEL provided the following information.
12. When questioned about the contents of a backpack discovered to be in his possession, RUENZEL stated he owned and controlled the black backpack with approximately 30 grams of methamphetamine, psilocybin mushrooms, marijuana and GHB found in the RV stopped and searched by law enforcement officers.
13. When questioned about how he acquired the narcotics, RUENZEL stated he purchased the methamphetamines in San Francisco for \$1000.00. The other drugs in the bag were given to him by friends. RUENZEL stated he brought enough drugs for him to use while at the "Burning Man Event" and some to share with friends. He put the scale in his backpack without thinking and purchased a large quantity of smaller plastic bags but only needed a few of them to keep track of the amount he was giving to friends during the event. RUENZEL stated he used GHB to meet new friends since it is popular in the male gay community.

14. Based on the foregoing fact, as well as my training and experience, and the training and experience of each of the officers identified herein with respect to his/her particular knowledge in this investigation, I believe there is probable cause to charge Robert Louis Ruenzel II for violations of 21 U.S.C. §§ 844(a) (b)(1)(C), Possession of a Controlled Substance.
15. Therefore, I respectfully request that the Court issue a criminal complaint and arrest warrant for Robert Louis Ruenzel II for violations of 21 U.S.C. §§ 844(a), Possession of Controlled Substance, as identified herein.

I believe the foregoing is true and accurate to the best of my knowledge and belief.


Special Agent
Bureau of Land Management

Subscribed and sworn to me this 29th day of August, 2012.


HON. WILLIAM G. COBB,
United States Magistrate Judge